

Janet Napolitano
Governor

Robert J. Maynard, O.D.
President

Robert B. Pinkert, O.D.
Vice President



Arizona State Board of Optometry
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FINAL MINUTES
SEPTEMBER 17, 2004 BOARD MEETING

Board Members

Robert J. Maynard, O.D., President
Robert B. Pinkert, O.D., Vice President
Caroline Griego, O.D.
Christina M. Sorenson, O.D.
Curtis R. Winkler, M.D.
Lawrence Ponemon, PhD

Staff:

Jack Confer, Executive Director
Margaret Whelan, Licensing Administrator

Legal Counsel:

Blair Driggs, Assistant Attorney General

A. CALL TO ORDER:

Dr. Maynard called the meeting to order at 9:10 a.m.

B. ROLL CALL:

Board Members Present: Robert J. Maynard, O.D., President
Caroline Griego, O.D.
Robert B. Pinkert, O.D., Vice President
Christina M. Sorenson, O.D.
Curtis Winkler, M.D.
Lawrence Ponemon, PhD

Board Members Absent: None

Legal Counsel Present: Blair Driggs, Assistant Attorney General

Staff Present: Jack Confer, Executive Director
Margaret Whelan, Licensing Administrator

C. PRESIDENT'S REPORT:

Dr. Maynard acknowledged new computers and thanked staff for work in getting systems running.

D. INFORMAL INTERVIEW:

29. Marc R. Bloomenstein, O.D., IR#200416

Dr. Pinkert recused. Dr. Maynard summarized the case and asked the Board to accept the consent agreement as written and accept additional language as approved by Mr. Driggs.

MOTION: Dr. Sorenson moved to accept modified language. Dr. Griego seconded the motion.

SECOND MOTION: Dr. Sorenson moved to accept findings of fact, conclusions of law and issue a consent agreement with modifications. Dr. Griego seconded the motion.

	Vote	Caroline Griego, O.D.	Robert Maynard, O.D.	Lawrence Ponemon Public Member	Curtis Winkler, M.D.	Robert Pinkert, O.D.	Christina Sorenson, O.D.
YES	5	X	X	X	X		X
NO	0						
ABSTAIN	0					Recused	
ABSENT	0						

VOTE: Motion passes 5-0, Dr. Pinkert recused.

E. REVIEW, DISCUSSION AND VOTE ON INVESTIGATION REVIEWS/COMPLAINTS:

30. ASBOO vs. Sheri Mortenson-Lamb & RJ Mortensen, IR#200244

Mr. Confer summarized the case and asked the Board to dismiss the case due to lack of violation of the optometry practice act.

MOTION: Dr. Maynard moved to dismiss the case due to lack of violation of the optometry practice act. Dr. Pinkert seconded the motion.

	Vote	Caroline Griego, O.D.	Robert Maynard, O.D.	Lawrence Ponemon Public Member	Curtis Winkler, M.D.	Robert Pinkert, O.D.	Christina Sorenson, O.D.
YES	6	X	X	X	X	X	X
NO	0						
ABSTAIN	0						
ABSENT	0						

VOTE: Motion passes 6-0

31. J.M. vs. John Markham, IR#200421

Dr. Griego summarized the case and asked the Board to dismiss the case due to lack of violation of the optometry practice act.

MOTION: Dr. Maynard moved to dismiss the case due to lack of violation of the optometry practice act. Dr. Sorenson seconded the motion.

	Vote	Caroline Griego, O.D.	Robert Maynard, O.D.	Lawrence Ponemon Public Member	Curtis Winkler, M.D.	Robert Pinkert, O.D.	Christina Sorenson, O.D.
YES	5	X	X	X	X		X
NO	0						
ABSTAIN	1					X	
ABSENT	0						

VOTE: Motion passes 5-0, 1 abstention

32. C.B. vs. Tami R. Lang, O.D., IR#200426

Dr. Pinkert summarized the case and asked the Board to dismiss the case due to lack of violation of the optometry practice act.

MOTION: Dr. Sorenson moved to dismiss the case due to lack of violation of the optometry practice act. Dr. Griego seconded the motion.

	Vote	Caroline Griego, O.D.	Robert Maynard, O.D.	Lawrence Ponemon Public Member	Curtis Winkler, M.D.	Robert Pinkert, O.D.	Christina Sorenson, O.D.
YES	6	X	X	X	X	X	X
NO	0						
ABSTAIN	0						
ABSENT	0						

VOTE: Motion passes 6-0

33. W.M. vs. Mark J. Page, O.D., IR#200427

Dr. Maynard summarized the case and asked the Board to issue letter of concern for deceptive advertising pursuant to R4-21-302 False Advertising.

MOTION: Dr. Maynard moved to issue a letter of concern to Dr. Page for violation of the optometry practice act. Dr. Sorenson seconded the motion.

	Vote	Caroline Griego, O.D.	Robert Maynard, O.D.	Lawrence Ponemon Public Member	Curtis Winkler, M.D.	Robert Pinkert, O.D.	Christina Sorenson, O.D.
YES	6	X	X	X	X	X	X
NO	0						
ABSTAIN	0						
ABSENT	0						

VOTE: Motion passes 6-0

34. S.B. vs. Richard J. Glonek, IR#200428

Dr. Sorenson summarized the case and asked the Board to dismiss the case due to lack of violation of the optometry practice act.

MOTION: Dr. Maynard moved to dismiss the case due to lack of violation of the optometry practice act. Dr. Pinkert seconded the motion.

	Vote	Caroline Griego, O.D.	Robert Maynard, O.D.	Lawrence Ponemon Public Member	Curtis Winkler, M.D.	Robert Pinkert, O.D.	Christina Sorenson, O.D.
YES	5	X	X	X	X		X
NO	0						
ABSTAIN	1					X	
ABSENT	0						

VOTE: Motion passes 5-0, 1 abstention

35. M.L. vs. Amy M. Czyz., O.D., IR#200430

Dr. Winkler summarized the case and asked the Board to dismiss the case due to lack of violation of the optometry practice act.

MOTION: Dr. Pinkert moved to dismiss the case due to lack of violation of the optometry practice act. Dr. Sorenson seconded the motion.

	Vote	Caroline Griego, O.D.	Robert Maynard, O.D.	Lawrence Ponemon Public Member	Curtis Winkler, M.D.	Robert Pinkert, O.D.	Christina Sorenson, O.D.
YES	4	X	X		X		X
NO	0						
ABSTAIN	2			X		X	
ABSENT	0						

VOTE: Motion passes 4-0, 2 abstentions.

36. ASBOO vs. New Image Lasik Center, IR#200432

Dr. Pinkert summarized the case and asked the Board to send case to informal interview or dismiss the case due to lack of violation of the optometry practice act.

MOTION: Dr. Sorenson moved to refer case to AMD. Dr. Pinkert seconded the motion.

SECOND MOTION: Dr. Pinkert moved to obtain information regarding contractual arrangement, patient care, financial arrangements and advertising issues to determine violation of optometry practice act and reconsider 200430 on the agenda. Dr. Ponemon seconded the motion.

	Vote	Caroline Griego, O.D.	Robert Maynard, O.D.	Lawrence Ponemon Public Member	Curtis Winkler, M.D.	Robert Pinkert, O.D.	Christina Sorenson, O.D.
YES	6	X	X	X	X	X	X
NO	0						
ABSTAIN	0						
ABSENT	0						

VOTE: Motion passes 6-0

37. T.B. vs. Brian A. Mach, O.D., IR#200438

Dr. Griego summarized the case and asked the Board to dismiss the case due to lack of violation of the optometry practice act.

MOTION: Dr. Maynard moved to dismiss the case due to lack of violation of the optometry practice act. Dr. Pinkert seconded the motion.

	Vote	Caroline Griego, O.D.	Robert Maynard, O.D.	Lawrence Ponemon Public Member	Curtis Winkler, M.D.	Robert Pinkert, O.D.	Christina Sorenson, O.D.
YES	5	X	X	X		X	X
NO	0						
ABSTAIN	1				X		
ABSENT	0						

VOTE: Motion passes 5-0, 1 abstention.

F. REVIEW, DISCUSSION AND POSSIBLE VOTE REGARDING COMPLIANCE WITH PROBATIONARY ORDERS:

38. ASBOO vs. Wallace L. Warren, O.D., IR#200418

Mr. Confer summarized the case to inform the Board that the O.D. has been compliant with the order.

G. REVIEW, DISCUSSION, AND POSSIBLE ACTION ON APPROVAL OF CONTINUING EDUCATION AS PROVIDED BY A.R.S. § 32-1704 (D) and A.A.C. R4-21-208.

	Continuing Education	Date	No. of hours requested
a.	Minnesota Optometric Assoc.-2004 Fall Meeting	10/15-10/16/04	10 Regular
b.	Southwestern Eye Center-Current Concept in Vitreo-Retinal Diagnosis and Surgery	10/19/04	1 Regular
c.	Pfizer Pharmaceuticals-When and How to do a Basic Neurologic Evaluation of your Patient	9/24/04	2 Regular
d.	Laser Diagnostic Technologies, Inc.-Scanning Laser Polarimetry and its Role within your Practice	9/7 or 9/8/04	2 Regular each
e.	Minnesota Optometric Assoc.-MAOO 20 Credit Optometry CE Program	10/29-10/31/04	12 Regular
f.	Mayo School of Continuing Medical Education-Current Concepts in Primary Eye Care	11/4/04	7 Regular
g.	Alcon Labs-Southwestern Eye Centers CE Event	10/19/04	2 Regular

MOTION: Dr. Sorenson moved to accept all CE as listed with tab D to reflect 1 Regular and 1 PM. Dr. Pinkert seconded the motion.

VOTE: The motion passed 5-0, Dr. Ponemon recused.

H. REVIEW, DISCUSSION AND POSSIBLE BLOCK VOTE ON PENDING REGULAR LICENSE APPLICATIONS:

Helgeson, Sarah
Mathis, James

MOTION: Dr. Pinkert moved to approve all above listed applicants. Dr. Ponemon seconded the motion.

VOTE: The motion passed 6-0

I. REVIEW, DISCUSSION AND POSSIBLE BLOCK VOTE ON PENDING ENDORSEMENT LICENSE APPLICATIONS:

Carmolli, Gino

MOTION: Dr. Pinkert moved to approve above Gino Carmolli for licensure by endorsement. Dr. Maynard seconded the motion.

VOTE: The motion passed 6-0.

Col, Peter

MOTION: Dr. Pinkert moved to table Peter Col until either a glaucoma certification or Part III of the NBEO is taken to satisfy the oral requirements of Arizona. Dr. Sorenson seconded the motion.

VOTE: The motion passed 4-0.

Hersman, Robert

MOTION: Dr. Sorenson moved to approve Dr. Hersman for licensure by endorsement. Dr. Pinkert seconded the motion.

VOTE: The motion passed 6-0.

Horn, Edward

MOTION: Dr. Sorenson moved to deny Dr. Horn for licensure by endorsement. Dr. Maynard seconded the motion.

VOTE: The motion passed 6-0

SECOND MOTION: Dr. Pinkert moved to table the applicants to allow either compliance with licensing requirements or withdrawal in lieu of denial. Dr. Maynard seconded the motion.

VOTE: The motion passed 6-0

Pollack, Mark

MOTION: Dr. Pinkert moved to deny Dr. Pollack for licensure by endorsement. Dr. Maynard seconded the motion.

VOTE: The motion passed 6-0.

SECOND MOTION: Dr. Pinkert moved to table the applicants to allow either compliance with licensing requirements or withdrawal in lieu of denial. Dr. Maynard seconded the motion.

J. REVIEW, DISCUSSION AND POSSIBLE APPROVAL OF BOARD MEETING MINUTES.

39. August 20, 2004, Regular & Executive Session Meeting Minutes

MOTION: Dr. Pinkert moved to approve tab 39. Dr. Sorenson seconded the motion.

VOTE: The motion passed 6-0.

K. EXECUTIVE DIRECTOR'S REPORT:

40. New ARBO Web Page

FINAL

41. Budget Report (Information Only)
Budget Summary Report
42. Proposed FY2006 and FY2007 Budget
43. Board Statistics (Information Only)
44. Summary of Investigative Reviews (Possible Discussion)
45. Board Correspondence

Mr. Confer reported on tabs 40-45 inclusive.

L. CALL TO PUBLIC:

Dr. Maynard made a call to the public at 11:30 a.m. No one was present to address the Board.

Dr. Maynard moved to adjourn the meeting. Dr. Ponemon seconded the motion. Meeting adjourned at 11:31 a.m.

END OF MINUTES:

Jack Confer, Executive Director

Date